

On 27 MAR 2003, Applicant conducted a teleconference with Examiner Fleurantin. Applicant thanks the Examiner for making time for the teleconference.

During the teleconference, Applicant and the Examiner did not reach any agreement. Accordingly, below, Applicant describes several points in support of the patentability of the claims of the present application over the '347 and '792 patents.

In general, both of the '347 and 792 patents are related to a creation (i.e., writing) of a copy of data, whereas the claims of the present application relate to improved access to (i.e., reading) data that already exists in multiple copies.

Claim 1 provides a method for enabling improved access to data stored in a log of a computer memory system having multiple copies of the log. The method includes, *inter alia*, (a) responding to a process request for access to a log, by determining a parameter indicative of demand for access to one of the copies of the log, and (b) assigning the process to another of the copies of the log if the parameter has reached a threshold value. An exemplary employment of the method is described in the specification at page 8, line 17 through page 9, line 23, with reference to Figs. 1 and 2. In particular at page 9, lines 6 - 19, it states:

[L]ogging system 122 maintains a count of active processes reading the log (step 200). If the count is below a threshold count, logging system 122 assigns a preference for the primary copy of the log to new processes requesting data from the log (step 202).

If the threshold count is reached, logging system 122 distributes preference assignments between the primary copy of the log and the secondary copy of the log, in respect of new processes requesting data from the log (step 204).

The '347 patent relates to a system and method for providing and maintaining a copy or mirror of a data storage disk on a secondary storage system, remote from a primary storage system (Abstract and col. 1, lines 27 - 31). The system provides "copying of data from a primary data storage system to a physically remote secondary data storage system" (col. 6, lines 16-18).

Applicant respectfully submits that the '347 patent's description of providing and maintaining a copy or mirror of a data storage disk on a secondary storage system relates to creating a copy of the data on the secondary storage system. As the data is being created, the '347 patent does not describe accessing the data from the secondary storage system. Consequently, whereas the '347 patent describes a technique for **providing and maintaining a copy of data** on a secondary storage system, it neither describes nor suggests enabling improved **access to data stored** in a log, as recited in claim 1.

Referring to Fig. 1 of the '347 patent, a system 10 is described as having data on a primary data storage system 14, and copying the data to a secondary data storage system 46. The copy of the data is apparently not available from secondary data storage system 46 until after system 10 has completed its task of copying the data from primary data storage system 14. Thus, "copies" (plural) of the data do not exist until after system 10 has performed its task. Whereas **the copy of the data is apparently not available** from secondary data storage system 46 until after system 10 has completed its task, the '347 patent neither describes nor suggests (1) determining a — parameter indicative of demand for **access to one of said copies** of said log, or (2) assigning the process **to another of said copies** if said parameter has reached a threshold value, as recited in claim 1.

The '792 patent is a continuation-in-part of the '347 patent and also relates to data mirroring, i.e., the creation of a copy of data (col. 1, lines 23 - 27). More specifically, the '792 patent describes a system that controls storing of primary data, and additionally controls copying of the primary data to a secondary data storage system (col. 2, lines 30 - 35).

The '792 patent does not make up for any of the deficiencies of the '347 patent as it relates to the claims of the present application. As the '792 patent describes a system for copying data, it neither describes nor suggests (1) enabling improved **access to data stored** in a log, (2) determining a parameter indicative of demand for **access to one of said copies** of said log, or (3) assigning the process **to another of said copies** if said parameter has reached a threshold value, as recited in claim 1.

Applicant respectfully submits that the '347 and '792 patents, whether considered alone or in combination, do not describe or suggest all of the elements of claim 1. As such, claim 1 is patentable over these references.

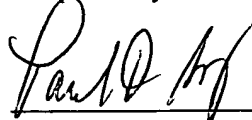
Independent claims 7 and 13 each include recitals similar to that of claim 1. Accordingly, claims 7 and 13 are also patentable over the '347 and '792 patents.

Claims 2 - 6, 8 - 12 and 14 - 21 each depend from one of independent claims 1, 7 or 13. As such claims 2 - 6, 8 - 12 and 14 - 21 are also patentable over the '347 and '792 patents.

The present application is claiming priority of U.S. Provisional Application Serial No. 60/130,221, filed 20 APR 1999. The Examiner has not yet acknowledged this claim to priority. Applicant respectfully requests that the Examiner acknowledge this claim to priority in the next Office correspondence.

In view of the foregoing, Applicant submits that all claims presented in this application patentably distinguish over the prior art, and respectfully requests reconsideration and withdrawal of the section 103(a) rejection of claims 1 - 21. Applicant also requests favorable consideration and that this application be passed to allowance.

Respectfully submitted,



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